

1 AN ACT  
2 RELATING TO EMERGENCY MEDICAL SERVICES; EXPANDING THE SCOPE  
3 OF THE EMERGENCY MEDICAL SERVICES ACT; AMENDING AND ENACTING  
4 SECTIONS OF THE EMERGENCY MEDICAL SERVICES ACT; PROVIDING  
5 FOR A PENALTY.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 24-10B-2 NMSA 1978 (being Laws  
9 1983, Chapter 190, Section 2, as amended) is amended to  
10 read:

11 "24-10B-2. PURPOSE. -- The purpose of the Emergency  
12 Medical Services Act is to enhance and regulate a  
13 comprehensive emergency medical services system in the state  
14 as set forth in that act. Nothing in the Emergency Medical  
15 Services Act shall be construed to preclude a local  
16 emergency medical services system from adopting standards  
17 that are more stringent than those authorized by the  
18 Emergency Medical Services Act. "

19 Section 2. Section 24-10B-3 NMSA 1978 (being Laws  
20 1993, Chapter 161, Section 2) is amended to read:

21 "24-10B-3. DEFINITIONS. -- As used in the Emergency  
22 Medical Services Act:

23 A. "academy" means an emergency medical services  
24 training program administered through the department of  
25 emergency medicine of the university of New Mexico school of

1 medicine;

2 B. "advance directive" means a written  
3 instruction, such as a living will, durable power of  
4 attorney for health care or emergency medical services do  
5 not resuscitate form recognizable under state law and  
6 relating to the provision of health care when an individual  
7 is incapacitated;

8 C. "air ambulance service" means any  
9 governmental or private service that provides air  
10 transportation specifically designed to accommodate the  
11 medical needs of a person who is ill, injured or otherwise  
12 mentally or physically incapacitated and who requires in-  
13 flight medical supervision;

14 D. "approved emergency medical services training  
15 program" means an emergency medical services training  
16 program that is sponsored by a post-secondary educational  
17 institution, accredited by a national educational  
18 accrediting organization for emergency medical services or  
19 active in the accreditation process, and is approved by the  
20 joint organization on education committee and participates  
21 in the joint organization on education committee;

22 E. "bureau" means the injury prevention and  
23 emergency medical services bureau of the public health  
24 division of the department;

25 F. "certified emergency medical service" means

1 an organization that meets minimum standards to provide  
2 emergency services and is approved by the bureau, including  
3 emergency medical dispatch agencies, pre-hospital or  
4 interfacility care services and special event services  
5 organized to provide emergency medical services;

6 G. "critical incident stress management program"  
7 means a program of preventive education and crisis  
8 intervention intended to reduce the negative effects of  
9 critical stress on emergency responders;

10 H. "department" means the department of health;

11 I. "emergency medical dispatch" means an  
12 advanced form of dispatch communications used to improve  
13 emergency medical services response to medical and traumatic  
14 emergencies that utilizes specially trained emergency  
15 medical dispatchers, in accordance with an emergency medical  
16 dispatch priority reference system and the department-  
17 approved scopes of practice;

18 J. "emergency medical dispatcher" means a person  
19 who is trained and licensed pursuant to Subsection F of  
20 Section 24-10B-4 NMSA 1978 to receive calls for emergency  
21 medical assistance, provide pre-arrival medical  
22 instructions, dispatch emergency medical assistance and  
23 coordinate its response;

24 K. "emergency medical services" means the  
25 services rendered by providers in response to an

1 individual's need for immediate medical care to prevent loss  
2 of life or aggravation of physical or psychological illness  
3 or injury;

4 L. "emergency medical services first responder"  
5 means a person who is licensed by the department and who  
6 functions within the emergency medical services system to  
7 provide initial emergency aid;

8 M. "emergency medical services system" means a  
9 coordinated system of health care delivery that responds to  
10 the needs of the sick and injured and includes emergency  
11 medical services;

12 N. "emergency medical technician" means a  
13 provider who has been licensed by the department to provide  
14 patient care;

15 O. "health care facility" means a hospital,  
16 clinic or other entity licensed or approved by the  
17 department;

18 P. "injury prevention" means to promote and  
19 implement efforts to reduce the risk and severity of  
20 intentional and unintentional injuries;

21 Q. "medical direction" means guidance or  
22 supervision provided by a physician to a provider or  
23 emergency medical services system and that may include  
24 authority over and responsibility for emergency medical  
25 dispatch, direct patient care and transport of patients,

1 arrangements for medical control and all other aspects of  
2 patient care delivered by a provider;

3 R. "paramedic" means a provider licensed at that  
4 level by the department to provide patient care;

5 S. "physician" means a doctor of medicine or  
6 doctor of osteopathy who is licensed or otherwise authorized  
7 to practice medicine or osteopathic medicine in New Mexico;

8 T. "protocol" means a predetermined, written  
9 medical care plan and includes standing orders;

10 U. "provider" means a person who has been  
11 licensed by the department to provide patient care pursuant  
12 to the Emergency Medical Services Act;

13 V. "regional office" means an emergency medical  
14 services planning and development agency formally recognized  
15 and supported by the bureau;

16 W. "secretary" means the secretary of health;

17 X. "special skills" means a set of procedures or  
18 therapies that are beyond the scope of practice of a given  
19 level of licensure and that have been approved by the  
20 medical direction committee for use by a specified provider;  
21 and

22 Y. "state emergency medical services medical  
23 director" means a physician designated by the department to  
24 provide overall medical direction to the statewide emergency  
25 medical services system, whose duties include serving as a

1 liaison to the medical community and chairing the medical  
2 direction committee. "

3 Section 3. Section 24-10B-4 NMSA 1978 (being Laws  
4 1983, Chapter 190, Section 4, as amended) is amended to  
5 read:

6 "24-10B-4. BUREAU--DUTIES.--The bureau is designated  
7 as the lead agency for the emergency medical services  
8 system, including injury prevention, and shall establish and  
9 maintain a program for regional planning and development,  
10 improvement, expansion and direction of emergency medical  
11 services throughout the state, including:

12 A. design, development, implementation and  
13 coordination of emergency medical services communications  
14 systems to join the personnel, facilities and equipment of a  
15 given region or system that will allow for medical  
16 direction;

17 B. provision of technical assistance to the  
18 public regulation commission for further development and  
19 implementation of standards for certification of ambulance  
20 services, vehicles and equipment;

21 C. development of requirements for the  
22 collection of data and statistics to evaluate the  
23 availability, operation and quality of providers in the  
24 state;

25 D. adoption of rules for emergency medical

1 services medical direction upon the recommendation of the  
2 medical direction committee;

3 E. approval of continuing education programs for  
4 emergency medical services personnel;

5 F. adoption of rules pertaining to the training  
6 and licensure of emergency medical dispatchers and their  
7 instructors;

8 G. adoption of rules based upon the  
9 recommendations of a trauma advisory committee, for  
10 implementation and monitoring of a statewide, comprehensive  
11 trauma care system, including:

12 (1) minimum standards for designation or  
13 retention of designation as a trauma center or a  
14 participating trauma facility;

15 (2) pre-hospital care management guidelines  
16 for the triage and transportation of traumatized persons;

17 (3) establishment for interfacility  
18 transfer criteria and transfer agreements;

19 (4) standards for collection of data  
20 relating to trauma system operation, patient outcome and  
21 trauma prevention; and

22 (5) creation of a state trauma care plan;

23 H. adoption of rules, based upon the  
24 recommendations of the air transport advisory committee, for  
25 the certification of air ambulance services;

1 I. adoption of rules pertaining to authorization  
2 of providers to honor advance directives, such as emergency  
3 medical services do not resuscitate forms, to withhold or  
4 terminate care in certain pre-hospital or interfacility  
5 circumstances, as guided by local medical protocols;

6 J. operation of a critical incident stress  
7 management program for emergency providers utilizing  
8 specifically trained volunteers who shall be considered  
9 public employees for the purposes of the Tort Claims Act  
10 when called upon to perform their duties;

11 K. adoption of rules to establish a cardiac  
12 arrest targeted response program pursuant to the Cardiac  
13 Arrest Response Act, including registration of automated  
14 external defibrillator programs, maintenance of equipment,  
15 data collection, approval of automated external  
16 defibrillator training programs and a schedule of automated  
17 external defibrillator program registration fees;

18 L. adoption of rules for the administration of  
19 an emergency medical services certification program for  
20 certified emergency medical services; and

21 M. promoting, developing, implementing,  
22 coordinating and evaluating risk reduction and injury  
23 prevention systems. "

24 Section 4. Section 24-10B-5 NMSA 1978 (being Laws  
25 1983, Chapter 190, Section 5, as amended) is amended to

1 read:

2 "24-10B-5. LICENSURE REQUIRED--PENALTY.--

3 A. The department shall by rule adopt and  
4 enforce licensure requirements, including minimum standards  
5 for training, continuing education and disciplinary actions  
6 consistent with the Uniform Licensing Act, for all persons  
7 who provide emergency medical services within the state,  
8 irrespective of whether the services are remunerated. The  
9 rules shall include authorization for the bureau to issue at  
10 least annually an updated list of skills, techniques and  
11 medications approved for use at each level of licensure.  
12 The secretary may waive licensure requirements as needed  
13 during a declared emergency.

14 B. Licensed emergency medical technicians may  
15 function within health care facilities under their licensure  
16 and approved New Mexico emergency medical services scope of  
17 practice. Nothing in this subsection shall prohibit a  
18 health care facility from assigning additional duties and  
19 responsibilities in accordance with law. This subsection  
20 shall not expand the New Mexico emergency medical services  
21 scope of practice under the emergency medical technician's  
22 license.

23 C. In addition to the requirements specified in  
24 Subsection A of this section, the department may:

25 (1) prohibit the use of "emergency medical

1 dispatcher", "emergency medical technician", "emergency  
2 medical services first responder", "paramedic" or similar  
3 terms connoting expertise in providing emergency medical  
4 services by any person not licensed or certified under the  
5 Emergency Medical Services Act;

6 (2) deny, suspend or revoke licensure in  
7 accordance with the provisions of the Uniform Licensing Act;  
8 and

9 (3) establish a schedule of reasonable fees  
10 for application, examination or licensure and regular  
11 renewal thereof.

12 D. Any person who represents himself to be an  
13 "emergency medical dispatcher", "emergency medical  
14 technician-basic", "emergency medical technician-  
15 intermediate", "emergency medical technician-paramedic",  
16 "emergency medical services first responder" or "paramedic",  
17 or who uses similar terms connoting expertise in providing  
18 emergency medical services while not currently licensed  
19 under the Emergency Medical Services Act is guilty of a  
20 misdemeanor. "

21 Section 5. Section 24-10B-5.1 NMSA 1978 (being Laws  
22 1993, Chapter 161, Section 5) is amended to read:

23 "24-10B-5.1. LICENSING COMMISSION ESTABLISHED. --

24 A. The secretary shall appoint an "emergency  
25 medical services licensing commission", which shall be

1 staffed by the bureau and composed of one lay person, three  
2 emergency medical technicians, one from each level of  
3 licensure, and three physicians, at least two of whom shall  
4 have expertise in emergency medicine and who are appointed  
5 from a list proposed by the New Mexico chapter of the  
6 American college of emergency physicians.

7 B. The composition of the emergency medical  
8 services licensing commission shall reflect geographic  
9 diversity and both public and private interests. The  
10 members shall serve for three-year staggered terms. The  
11 duties of and procedures for the emergency medical services  
12 licensing commission shall be delineated in rules  
13 promulgated pursuant to Subsection A of Section 24-10B-5  
14 NMSA 1978. Such duties include:

15 (1) providing a forum for the receipt of  
16 public comment regarding emergency medical services  
17 licensing matters;

18 (2) oversight of the bureau's licensure  
19 functions;

20 (3) receiving complaints, directing  
21 investigations and authorizing the initiation of actions by  
22 the bureau regarding contemplated refusal to grant initial  
23 licensure and for disciplinary actions against licensees;  
24 and

25 (4) the granting of waivers, for good cause

1 shown, of rules pertaining to licensure renewal.

2 C. The emergency medical services licensing  
3 commission may compel the production of books, records and  
4 papers pertinent to any investigation authorized by the  
5 Emergency Medical Services Act and may seek enforcement of  
6 any subpoena so issued through the district court in the  
7 county in which the custodian of the document is located in  
8 camera.

9 D. The emergency medical services licensing  
10 commission shall meet as needed, but not less frequently  
11 than semiannually. The emergency medical services licensing  
12 commission shall be subject to the provisions of the Per  
13 Diem and Mileage Act. "

14 Section 6. Section 24-10B-6 NMSA 1978 (being Laws  
15 1983, Chapter 190, Section 6, as amended) is amended to  
16 read:

17 "24-10B-6. TREATMENT AUTHORIZED. --

18 A. Notwithstanding the provisions of the Medical  
19 Practice Act, Sections 61-10-1 through 61-10-22 NMSA 1978 or  
20 the Nursing Practice Act, any person licensed by the bureau  
21 may render emergency medical services commensurate with his  
22 level of licensure, as medically indicated.

23 B. Individuals licensed pursuant to the  
24 provisions of the Medical Practice Act, Sections 61-10-1  
25 through

1 61-10-22 NMSA 1978 or the Nursing Practice Act are not  
2 required to be licensed under the Emergency Medical Services  
3 Act. "

4 Section 7. Section 24-10B-7 NMSA 1978 (being Laws  
5 1983, Chapter 190, Section 7, as amended) is amended to  
6 read:

7 "24-10B-7. COMMITTEES ESTABLISHED. --

8 A. The secretary shall appoint a statewide  
9 emergency medical services advisory committee to advise the  
10 bureau in carrying out the provisions of the Emergency  
11 Medical Services Act. The advisory committee shall include,  
12 at a minimum, representatives from the state medical  
13 society, the state emergency medical technicians'  
14 association, the state firefighters' association, the New  
15 Mexico ambulance association, the state nurses' association,  
16 the association of public safety communications  
17 organization/national emergency numbers association, the  
18 lead state agency for public safety and emergency  
19 preparedness, the state emergency services council, the New  
20 Mexico health and hospital systems association, the  
21 university of New Mexico health sciences center, the state  
22 fire chiefs' association, a consumer, emergency medical  
23 service regional offices and other interested provider and  
24 consumer groups as determined by the secretary. The  
25 advisory committee shall establish appropriate

1 subcommittees, including a trauma advisory committee and an  
2 air transport advisory committee.

3 B. The joint organization on education committee  
4 shall be composed, at a minimum, of the director and medical  
5 director of the academy and each approved emergency medical  
6 services training program or their designee, the state  
7 emergency medical services medical director, the bureau  
8 chief or his designee, who shall serve without vote, each  
9 emergency medical services regional office training  
10 coordinator and one provider from the three highest levels  
11 of licensure, who are appointed by the secretary from a list  
12 proposed by the statewide emergency medical services  
13 advisory committee. The duties of the joint organization on  
14 education committee include:

15 (1) developing minimum curricula content  
16 for approved emergency medical services training programs;

17 (2) establishing minimum standards for  
18 approved emergency medical services training programs;

19 (3) reviewing and approving the  
20 applications of organizations seeking to become approved  
21 emergency medical services training programs; and

22 (4) developing minimum qualifications for  
23 and maintaining a list of instructors for each of the  
24 approved emergency medical services training programs.

25 C. The secretary shall appoint a medical

1 direction committee to advise the bureau on matters relating  
2 to medical direction. The state emergency medical services  
3 medical director shall be a member of the committee and  
4 shall act as its chairman. The medical direction committee  
5 shall include, at a minimum, a physician representative  
6 experienced in pre-hospital medical care selected from a  
7 list proposed by the New Mexico chapter of the American  
8 college of emergency physicians, a physician representative  
9 from the academy, one physician from each of the emergency  
10 medical services geographic regions, one physician with  
11 pediatric emergency medicine expertise, one physician  
12 representing emergency medical dispatchers and one provider  
13 from the three highest levels of licensure. Members shall  
14 be selected to represent both public and private interests.  
15 The duties of the medical direction committee include:

16 (1) reviewing the medical appropriateness  
17 of all rules proposed by the bureau;

18 (2) reviewing and approving the  
19 applications of providers for special skills authorizations;

20 (3) assisting in the development of rules  
21 pertaining to medical direction; and

22 (4) reviewing at least annually a list of  
23 skills, techniques and medications approved for use at each  
24 level of licensure that shall be approved by the secretary  
25 and issued by the bureau.

1           D. The committees created in this section are  
2 subject to the provisions of the Per Diem and Mileage Act,  
3 to the extent that funds are available for that purpose.

4           E. Any decision that the bureau proposes to make  
5 contrary to the recommendation of any committee created in  
6 this section shall be communicated in writing to that  
7 committee. Upon the request of that committee, the decision  
8 shall be submitted for reconsideration to the director of  
9 the public health division of the department and  
10 subsequently to the secretary. Any decision made pursuant  
11 to a request for reconsideration shall be communicated in  
12 writing by the department to the appropriate committee."

13           Section 8. Section 24-10B-9 NMSA 1978 (being Laws  
14 1983, Chapter 190, Section 9, as amended) is amended to  
15 read:

16           "24-10B-9. EMERGENCY FIRST AID. --Nothing in the  
17 Emergency Medical Services Act shall prevent fire and rescue  
18 services, public safety organizations and other trained  
19 units or individuals from rendering emergency first aid to  
20 the public commensurate with their training. Nothing in the  
21 Emergency Medical Services Act shall be construed to  
22 supersede other statutory authority permitting the rendering  
23 of first aid."

24           Section 9. Section 24-10B-9.1 NMSA 1978 (being Laws  
25 1993, Chapter 161, Section 11) is amended to read:

1 "24-10B-9. 1. EMERGENCY TRANSPORTATION. --Any person may  
2 be transported to an appropriate health care facility by an  
3 emergency medical technician, under medical direction, when  
4 the emergency medical technician makes a good faith judgment  
5 that the person is incapable of making an informed decision  
6 about his own safety or need for medical attention and is  
7 reasonably likely to suffer disability or death without the  
8 medical intervention available at such a facility."

9 Section 10. Section 24-10B-12 NMSA 1978 (being Laws  
10 1993, Chapter 161, Section 7) is amended to read:

11 "24-10B-12. ACADEMY--DUTIES.--The academy is  
12 designated as the lead emergency medical services training  
13 agency. Its duties include:

14 A. administering formal emergency medical  
15 services training conducted in New Mexico, other than  
16 training provided by other approved emergency medical  
17 services training programs;

18 B. furthering the knowledge of emergency medical  
19 services education;

20 C. securing a physician as its medical director  
21 to advise it in medical matters and to serve as liaison to  
22 the state emergency medical services medical director and  
23 the medical community as a whole;

24 D. supporting, promoting and conducting  
25 scholarly research regarding emergency medical services; and

1 E. reporting and publishing emergency medical  
2 services information. "

3 Section 11. A new section of the Emergency Medical  
4 Services Act is enacted to read:

5 "RECORDS CONFIDENTIALITY. --

6 A. Any files or records in the possession of the  
7 bureau, a regional office or a provider containing  
8 identifying information about individuals requesting or  
9 receiving treatment or other health services and any  
10 unsubstantiated complaints received by the bureau regarding  
11 any provider shall be confidential and not subject to public  
12 inspection.

13 B. Such files, records and complaints may be  
14 subject to subpoena for use in any pending cause in any  
15 administrative proceeding or in any of the courts of this  
16 state, unless otherwise provided by law. "

17 Section 12. A new section of the Emergency Medical  
18 Services Act is enacted to read:

19 "APPROVED TRAINING PROGRAMS. -- Approved emergency  
20 medical services training programs for providers are an  
21 integral part of the emergency medical services system and  
22 the programs shall include:

23 A. improving and expanding emergency medical  
24 services within regions through focused emergency medical  
25 services educational activities;

1 B. furthering the knowledge base of emergency  
2 medical services education; and

3 C. securing physicians as medical directors to  
4 advise approved training programs in medical matters and to  
5 serve as liaison to the state emergency medical services  
6 medical director and the medical community as a whole. "

7 Section 13. A new section of the Emergency Medical  
8 Services Act is enacted to read:

9 "REGIONAL OFFICES-- DUTIES. --

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10 A. Regional offices may be established by the  
11 department to assist the bureau to provide regional planning  
12 and development, improvement, expansion and direction of  
13 emergency medical services and injury prevention in their  
14 respective geographic regions.

15 B. Regional offices may provide technical  
16 support and assistance, training coordination, outreach,  
17 advocacy, prevention and public education and leadership to  
18 communities and providers in their respective geographic  
19 regions. They may also provide specific support to the  
20 bureau for functions such as licensing examination,  
21 planning, evaluation and Emergency Medical Services Fund Act  
22 administration. "

23 Section 14. EFFECTIVE DATE. --The effective date of the  
24 provisions of this act is July 1, 2003. \_\_\_\_\_  
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